THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE D. APPA RAO

WRIT APPEAL No.1936 of 1999

3rd April 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17.08.1999 in W.P.No.32476 of 1998 on the file of the High Court.)

Between:

The APSRTC, rep. by its Regional Manager,
Adilabad Region, Adilabad District and another.

Appellants/Respondents.

And

R.Rajeswar, aged 29 years,
Conductor, Utnoor Depot and 21 others.

Respondents/Writ Petitioners.

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ORDER: (Per Hon'ble Sri Justice B. Prakash Rao)

Heard Ms. Rajani Reddy, the learned counsel appearing for the appellants and Smt. Bhaskara Laxmi, the learned counsel appearing for the respondents.

This appeal is at the instance of the Corporation as against the orders allowing the Writ Petition filed by the respondents 1 to 22 herein where under declaring the action of the appellants in not regularizing the services of the respondents herein with effect from the date of their initial appointment as shown in the schedule annexed hereto as illegal, arbitrary and unjust. The learned single Judge, in fact, allowed the Writ Petition following the judgment of the Division Bench of this Court in **APSRTC v. P.T. Rao**[1] in W.A.No.705 of 1995 directing the respondents to regularize the services of the petitioners with effect

from the date of their initial appointment.

However, the learned counsel on either side submits that subsequently the Apex Court as per the decision in **Divisional Manager, A.P.S.R.T.C. v. P. Lakshmoji Rao**[2] while considering the similar such question held that there cannot be any such regularization from the date of initial appointment unless and until any of the juniors are given such similar benefit. Following the said judgment, this Court has also given similar directions in Writ Appeal No.2050 of 1999, dated 07.02.2005. In **Divisional Manager, A.P.S.R.T.C.'** case, the Apex Court has passed the following order:

> "In view of this peculiar situation and in order to avoid the anomalies that might otherwise under issue while we hold that the respondent-employees have failed to establish their right to get the status of regular employees right from the date of their initial appointment on daily wage basis and the respective dates of regularization assigned to the respondents, cannot be legal and valid, we are inclined to mould the relief in modification of the directions given in the judgments under appeal and direct as follows:
>
> "If any of the Conductors junior to the respondents in the relevant seniority list of the concerned Division/Region, have got the benefit of seniority and regularization or are entitled to get the same by virtue of the judgments that have become final, then the respondents who are seniors to them shall be given the same benefit on the same principles."

In view of the above decision of the Apex Court, the order of the learned single Judge is modified and the Corporation is directed to pass appropriate orders with reference to the date of regularization in the light of the observations of the Apex Court in the above decision.

The Revision is accordingly disposed of. No costs.

B. PRAKASH RAO, J

D. APPA RAO, J

3rd April 2006.
Chvn.

[1] 1998 (2) ALT 447
[2] 2004 (3) SCC 433